

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM GONZALEZ,)	
Petitioner)	C.A. No. 24-22 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Chief Magistrate Judge Richard A. Lanzillo
WARDEN FCI MCKEAN,)	
Respondent.)	

MEMORANDUM ORDER

Petitioner William Gonzalez was sentenced by the United States District Court of the Southern District of New York to a term of 17 years of incarceration and a five-year term of supervised release after pleading guilty on February 1, 2022, to one count of conspiracy to distribute and to possess with intent to distribute controlled substances in violation of 21 U.S.C. § 846. Petitioner is currently serving his sentence of incarceration at the Federal Correctional Institution at McKean in Bradford, Pennsylvania.

On November 1, 2021, Petitioner filed this action for habeas corpus relief under 28 U.S.C. § 2241 seeking to have his conviction and sentence vacated based on allegations of ineffective assistance of trial counsel and sentencing court errors. The petition was referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.


On March 11, 2025, Judge Lanzillo issued a Magistrate Judge’s Report and Recommendation (“R&R”) recommending that this case be transferred to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. § 1404. [ECF No. 11]. In particular, Judge Lanzillo determined that, although this Court lacks jurisdiction to

consider Petitioner's claims under 28 U.S.C. § 2241, Petitioner may still have a remedy under 28 U.S.C. § 2255 and "the sentencing court is the most appropriate venue for Petitioner's claims given that district's familiarity with the events underlying his conviction and the factors that led to his sentence." (*Id.* at p. 4). Thus, a transfer to the Southern District of New York is recommended in the interests of justice. No timely objections to the R&R have been filed by either party.

Thus, after *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 16th day of May, 2025,

IT IS HEREBY ORDERED that this habeas action be transferred to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. § 1404. The report and recommendation of Chief Magistrate Judge Lanzillo, issued on March 11, 2025 [ECF No. 11], is adopted as the opinion of this Court. Upon transfer of this action, the Clerk is directed to mark this case "CLOSED."


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief United States Magistrate Judge

All parties of record